



General Assembly

February Session, 2014

## ***Amendment***

LCO No. 4588

**\*SB0015204588SR0\***

Offered by:  
SEN. KELLY, 21<sup>st</sup> Dist.

To: Subst. Senate Bill No. 152

File No. 607

Cal. No. 399

### ***"AN ACT CONCERNING COURT SUPPORT SERVICES."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2014*) (a) Each state agency  
4 shall recognize, apply and enforce any order, denial or decree of a  
5 Probate Court that is applicable to any determination made by the  
6 state agency in a contested case. Any state agency aggrieved by an  
7 order, denial or decree of a Probate Court that is applicable to such a  
8 determination may appeal therefrom to the Superior Court in  
9 accordance with section 45a-186 of the general statutes, as amended by  
10 this act.

11 (b) For the purposes of this section, "state agency" means an agency,  
12 as defined in section 4-166 of the general statutes, and "contested case"  
13 means a contested case, as defined in section 4-166 of the general  
14 statutes.

15 Sec. 502. Section 45a-186 of the 2014 supplement to the general

16 statutes is repealed and the following is substituted in lieu thereof  
17 (*Effective October 1, 2014*):

18 (a) Except as provided in sections 45a-187 and 45a-188, any person  
19 aggrieved by any order, denial or decree of a Probate Court in any  
20 matter, unless otherwise specially provided by law, may, not later than  
21 forty-five days after the mailing of an order, denial or decree for a  
22 matter heard under any provision of section 45a-593, 45a-594, 45a-595  
23 or 45a-597, sections 45a-644 to 45a-677, inclusive, or sections 45a-690 to  
24 45a-705, inclusive, and not later than thirty days after mailing of an  
25 order, denial or decree for any other matter in a Probate Court, appeal  
26 therefrom to the Superior Court. Such an appeal shall be commenced  
27 by filing a complaint in the superior court in the judicial district in  
28 which such Probate Court is located, or, if the Probate Court is located  
29 in a probate district that is in more than one judicial district, by filing a  
30 complaint in a superior court that is located in a judicial district in  
31 which any portion of the probate district is located, except that (1) an  
32 appeal under subsection (b) of section 12-359, subsection (b) of section  
33 12-367, [or] subsection (b) of section 12-395 or section 501 of this act  
34 shall be filed in the judicial district of Hartford, and (2) an appeal in a  
35 matter concerning removal of a parent as guardian, termination of  
36 parental rights or adoption shall be filed in any superior court for  
37 juvenile matters having jurisdiction over matters arising in any town  
38 within such probate district. The complaint shall state the reasons for  
39 the appeal. A copy of the order, denial or decree appealed from shall  
40 be attached to the complaint. Appeals from any decision rendered in  
41 any case after a recording is made of the proceedings under section  
42 17a-498, 17a-543, 17a-543a or 17a-685, sections 45a-644 to 45a-667v,  
43 inclusive, or section 51-72 or 51-73 shall be on the record and shall not  
44 be a trial de novo.

45 (b) Each person who files an appeal pursuant to this section shall  
46 serve a copy of the complaint on each interested party. The failure of  
47 any person to make such service shall not deprive the Superior Court  
48 of jurisdiction over the appeal. Notwithstanding the provisions of

49 section 52-50, service of the copy of the complaint shall be by state  
50 marshal, constable or an indifferent person. Service shall be in hand or  
51 by leaving a copy at the place of residence of the interested party being  
52 served or at the address for the interested party on file with the  
53 Probate Court, except that service on a respondent or conserved  
54 person in an appeal from an action under part IV of chapter 802h shall  
55 be in hand by a state marshal, constable or an indifferent person.

56 (c) In addition to the notice given under subsection (b) of this  
57 section, each person who files an appeal pursuant to this section shall  
58 mail a copy of the complaint to the Probate Court that rendered the  
59 order, denial or decree appealed from. The Probate Court and the  
60 judge of probate that rendered the order, denial or decree appealed  
61 from shall not be made parties to the appeal and shall not be named in  
62 the complaint as parties.

63 (d) Not later than fifteen days after a person files an appeal under  
64 this section, the person who filed the appeal shall file or cause to be  
65 filed with the clerk of the Superior Court a document containing (1) the  
66 name, address and signature of the person making service, and (2) a  
67 statement of the date and manner in which a copy of the complaint  
68 was served on each interested party and mailed to the Probate Court  
69 that rendered the order, denial or decree appealed from.

70 (e) If service has not been made on an interested party, the Superior  
71 Court, on motion, shall make such orders of notice of the appeal as are  
72 reasonably calculated to notify any necessary party not yet served.

73 (f) A hearing in an appeal from probate proceedings under section  
74 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685,  
75 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699,  
76 45a-703, [or] 45a-717 or section 501 of this act shall commence, unless a  
77 stay has been issued pursuant to subsection (g) of this section, not later  
78 than ninety days after the appeal has been filed.

79 (g) The filing of an appeal under this section shall not, of itself, stay

80 enforcement of the order, denial or decree from which the appeal is  
81 taken. A motion for a stay may be made to the Probate Court or the  
82 Superior Court. The filing of a motion with the Probate Court shall not  
83 preclude action by the Superior Court.

84 (h) Nothing in this section shall prevent any person aggrieved by  
85 any order, denial or decree of a Probate Court in any matter, unless  
86 otherwise specially provided by law, from filing a petition for a writ of  
87 habeas corpus, a petition for termination of involuntary representation  
88 or a petition for any other available remedy.

89 (i) (1) Except for matters described in subdivision (3) of this  
90 subsection, in any appeal filed under this section, the appeal may be  
91 referred by the Superior Court to a special assignment probate judge  
92 appointed in accordance with section 45a-79b, who is assigned by the  
93 Probate Court Administrator for the purposes of such appeal, except  
94 that such appeal shall be heard by the Superior Court if any party files  
95 a demand for such hearing in writing with the Superior Court not later  
96 than twenty days after service of the appeal.

97 (2) An appeal referred to a special assignment probate judge  
98 pursuant to this subsection shall proceed in accordance with the rules  
99 for references set forth in the rules of the judges of the Superior Court.

100 (3) The following matters shall not be referred to a special  
101 assignment probate judge pursuant to this subsection: Appeals under  
102 sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to  
103 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688,  
104 inclusive, and section 501 of this act, children's matters as defined in  
105 subsection (a) of section 45a-8a, sections 45a-644 to 45a-663, inclusive,  
106 45a-668 to 45a-684, inclusive, and 45a-690 to 45a-700, inclusive, and  
107 any matter in a Probate Court heard on the record in accordance with  
108 sections 51-72 and 51-73."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2014</i>	New section
Sec. 502	<i>October 1, 2014</i>	45a-186